GOVERNMENT OF INDIA
LABOUR AND EMPLOYMENT
LOK SABHA

STARRED QUESTION NO:260
ANSWERED ON:17.03.2008
VIOLATION OF MINIMUM WAGES ACT, 1948
Prasad Shri Hari Kewal;Vasava Shri Mansukhbhai D.

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) the details of minimum wages fixed for different class/category of workers/labourers alongwith the criteria followed in fixing the minimum wages in the country, State-wise;

(b) whether the workers/labourers engaged in the unorganised and organised sectors are denied their right to minimum wages and other facilities due to non-compliance of the relevant regulations and due to the negligence of officials concerned; and

(c) if so, the details thereof indicating the number of complaints/cases registered during each of the last three years and the current year and the reaction of the Government thereto, State-wise?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES)

(a) to (c): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF LOK SABHA STARRED QUESTION NO. 260 FOR 17.03.2008 BY SHRI HARIKEWAL PRASAD AND SHRI MANSUKHBHAI D. VASAVA REGARDING VIOLATION OF MINIMUM WAGES ACT, 1948.

(a): On the basis of the latest information available, a statement giving the minimum rates of wages for unskilled, semi-skilled and skilled labourers in the Central and State Spheres, is at Annexure-I.

Since the Minimum Wages Act, 1948 has not laid down any criteria for fixing the minimum wages, the norms recommended by the Indian Labour Conference, held in 1957 like (a) 3 consumption units for one earner, (b) Minimum food requirements of 2700 calories per average Indian Adult, (c) Clothing requirements of 72 yards per annum per family, (d) Rent corresponding to the minimum area provided for under Government's Industrial Housing Scheme and (e) Fuel, Lighting and other miscellaneous items of expenditure to constitute 20% of the total minimum wage and the judgement delivered by the Supreme Court of India in 1992 in the case of Raptakos Brett and Co. Vs. its workmen that children education, medical requirement, minimum recreation including festival/ceremonies and provision for old age, marriage, etc., should further constitute 25% of the total minimum wage, are taken into account by the appropriate Governments while fixing minimum wages.

(b): The minimum wages, fixed under the Minimum Wages Act, 1948 have to be statutorily paid. The enforcement of the Act is secured at two levels. While in the Central Sphere, the enforcement is secured through the Inspecting Officers of the Chief Labour Commissioner(Central) commonly designated as Central Industrial Relations Machinery (CIRM), the compliance in the State Sphere is ensured through the State Enforcement Machinery. They conduct regular inspections and in the event of detection of any case of non-payment or under - payment of minimum wages, they advise the employers to make payment of the shortfall of wages. In case of non-compliance, penal provisons against the defaulting employers are invoked.

(c): The details regarding enforcement of Minimum Wages Act, 1948 in different States/Union Territories for the last three years i.e., 2003-04, 2004-05 and 2005-06, as available, is at Annexure-II(a, b and c).